

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

XPED LLC,)
Plaintiff,) Case No. 21-6440
vs.)
THE ENTITIES listed on EXHIBIT 1,)
Defendants.)

)
) Judge:
) Magistrate:

**PLAINTIFF'S *EX PARTE* MOTION FOR LEAVE
TO TEMPORARILY SEAL DOCUMENTS**

Pursuant to Local Rule 5.8 and Fed. R. Civ. P. 26(c)(1), Plaintiff files this Motion for Leave to Temporarily Seal Documents ("Motion to Seal") requesting leave to file the following documents under seal: (1) Exhibits 1 (Dkt. #3) and 2 (Dkt. #3-1) to the Complaint, which includes the infringing websites and webstores and Plaintiff's trademark certificate and a list of the, respectively; and (2) Exhibits 1 and 2 to Plaintiff's memorandum in support of its motion for a temporary restraining order (Dkt. ##8-9), which include the declarations of Vo and Jones, which identify the Plaintiff and its trademark and the Defendants via screenshots of their Infringing Websites.

This is a case intended to stop the illegal trafficking of counterfeiting products and the entities and individuals that traffic these products, many of which are located in China and that regularly monitor filings in U.S. courts targeted at counterfeiters. Plaintiff is requesting temporary *ex parte* relief based on an action for trademark counterfeiting and false designation of origin under the Lanham Act, copyright infringement under the Copyright Act, and deceptive trade practices under Illinois State law. Sealing these limited portions of the file is necessary to prevent the Defendants from learning of these proceedings prior to the execution of the temporary restraining

order. If Defendants were to learn of these proceedings prematurely, the likely result would be the destruction of relevant documentary evidence, the hiding or transferring of assets to foreign jurisdictions, and the transfer or disablement of the infringing websites. Such acts would frustrate the purposes of the underlying law and would interfere with this Court's power to grant relief. Once the temporary restraining order has been served on the relevant parties and the requested actions are taken, Plaintiff will promptly move to unseal these documents.

Respectfully submitted,

By: /s/ Patrick M. Jones
Patrick M. Jones
Counsel for the Plaintiff

Patrick M. Jones (IL #6271256)
John A. Wiberg
Sarah M. Beaujour
PMJ PLLC
The National Building
125 South Clark Street, 17th Floor
Chicago, Illinois 60603
Tel: (312) 255-7976
Email: pmj@pmjpllc.com
Email: jw@pmjpllc.com
Email: sb@pmjpllc.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was electronically filed on December 2, 2021 with the Clerk of the Court using the CM/ECF system, which will automatically send an email notification of such filing to all registered attorneys of record.

/s/ Patrick M. Jones